

# CITY COUNCIL OF THE CITY OF ANNAPOLIS

## RESOLUTION NO. R-23-04Revised

Introduced by Mayor Moyer

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### A RESOLUTION concerning

#### Annexation of Bowen Property

**FOR** the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing boundary of the City and is located to the south of Aris T. Allen Boulevard, and matters generally related to said annexation.

**WHEREAS,** Orville L. Bowen and Dorothy K. Bowen, the owners of the property hereinafter described, and Aris Allen Boulevard, LLC, the contract purchaser of said property, on **October 1, 2004** requested the Annapolis City Council to consider annexation of said property to the lands included within the corporate limits of the City of Annapolis; and

**WHEREAS,** as required by section 19(b)(1) of Article 23A of the Annotated Code of Maryland, the consent for the proposal has been received from not less than 25 percent of the persons who reside in the area to be annexed and who are registered as voters in Anne Arundel County elections (no persons currently reside on the property to be annexed) and from the owners of not less than 25 percent of the assessed valuation of the real property located in the area to be annexed (Petitioners Orville L. Bowen and Dorothy K. Bowen are the sole owners of the property); and

**WHEREAS,** on **November 8, 2004**, the Annapolis City Council conducted a preliminary review on this petition as required by Section 2.52.040 of the Code of the City of Annapolis and the petition was referred to the Departments of Finance, Public Works, and Planning and Zoning to provide the necessary information for proper consideration of the petition; and

**WHEREAS,** the Annapolis City Council conducted a public hearing on this request on **March 23, 2005**, at which time the Council heard a staff report presented by the Director of Planning and Zoning and the report of the Planning Commission and received the Findings of Fact and Recommendations of the Planning Commission dated **February 17, 2005**, together with a Memorandum from the Planning and Zoning Director to the Planning Commission dated **January 13, 2005**; and during which hearing testimony was taken from the applicant and counsel, members of the general public

1 were afforded the opportunity to offer testimony and documentary evidence  
2 was submitted and received; and  
3

4 **WHEREAS,** the Annapolis City Council has considered the standards for the approval  
5 of the Annexation request as set forth in Section 2.52.070 of the Code of  
6 the City of Annapolis and finds as follows:  
7

8 1. The annexation will enhance and will not be detrimental to or endanger the public  
9 health, safety, morals, convenience or general welfare of the citizens of the area proposed  
10 to be annexed or of the surrounding areas of the City and of the County;  
11

12 2. The annexation will not be injurious to the use and enjoyment of other property in  
13 the immediate vicinity nor substantially diminish and impair property values within the  
14 neighborhood;  
15

16 3. The annexation is in conformance with the plans of general development of the City  
17 and of the County;  
18

19 4. Acceptable and reasonable steps are being or will be taken to provide adequate  
20 municipal services;  
21

22 5. The annexation will not precipitate environmental degradation;  
23

24 6. The annexation will generate revenue at least equal to the anticipated cost of  
25 providing municipal services; and  
26

27 **WHEREAS,** the said property is presently designated as designated as suitable for low  
28 density residential uses under the Annapolis Neck Small Area Plan,  
29 adopted March 17, 2003 by the Anne Arundel County Council by Bill No.  
30 83-02, and a portion of said property carries a Critical Area Zoning  
31 classification of Resource Conservation Area (RCA) under the zoning  
32 regulations of Anne Arundel County; and  
33

34 **WHEREAS,** the applicant requests a zoning classification of R1-B **R1-A**, Single-Family  
35 Residence District and a Critical Area Zoning classification of Resource  
36 Conservation Area (RCA) for the property, which request has been  
37 addressed by the City Council in considering Ordinance O-34-04.  
38

39 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the  
40 hereinafter described property be, and it is hereby, annexed to the lands and properties  
41 heretofore included within the boundaries of the City of Annapolis, and it hereafter shall be

generally subject to the provisions of the Charter and Code of the City of Annapolis, said property being more particularly described as follows:

**METES AND BOUNDS DESCRIPTION  
TO ACCOMPANY  
ARIS T. ALLEN, LLC ANNEXATION PETITION INTO  
THE CITY OF ANNAPOLIS  
PROPOSED ANNEXATION PARCEL**

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF THE MARSH AT THE HEAD OF CHURCH CREEK AND NEAR THE SOUTHERNMOST BOUNDARY OF THE PROPERTY OF ORVILLE L. BOWEN, (SEE 4496/825), SAID POINT BEING ALSO IN THE NORTH 36° 10' 45" EAST, 198.00 FT. LINE DESCRIBED IN THE CITY OF ANNAPOLIS BOUNDARY DESCRIPTION, EFFECTIVE 10/23/03, SAID POINT OF BEGINNING BEING LOCATED NORTH 36° 10' 45" EAST, 56.45 FT. AS MEASURED ALONG SAID 198.00 FT. LINE FROM THE BEGINNING THEREOF. THENCE FROM THE POINT OF BEGINNING SO FIXED AND WITH ALL COURSES REFERRED TO THE CITY OF ANNAPOLIS GRID NORTH 36° 10' 45" EAST, 141.55 FT. TO A POINT; THENCE, LEAVING SAID POINT SO FIXED AND BINDING ON THE BOUNDARY OF THE AFORESAID ORVILLE L. BOWEN, THE FOLLOWING THREE COURSES AND DISTANCES:

(1) NORTH 18° 47' 28" EAST, 144.81 FT. TO AN IRON PIPE FOUND,

(2) NORTH 47° 44' 22" EAST, 123.77 FT. TO A POINT, AND

(3) NORTH 70° 16' 33" EAST, 438.68 FT. TO A CONCRETE MONUMENT FOUND;

THENCE, LEAVING SAID CONCRETE MONUMENT SO FIXED AND STILL BINDING ON THE LANDS OF BOWEN AND THE LANDS OF DAVID SHAPIRO (SEE 2063/46), SOUTH 72° 59' 43" EAST, 231.45 FT. AT A COMMON CORNER OF THE SUBDIVISION OF BYWATER ESTATES, SECTION II, (SEE PLAT BOOK 44/21);

THENCE WITH THE LINES OF SUBDIVISION OF BYWATER ESTATES SECTION 3 AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 63 PAGE 30 AND SECTION 2 IN PLAT BOOK 44 AT PAGE 21, NORTH 13° 39' 40" EAST, 857.66 FT. TO A PIPE, SOUTH 78° 41' 40" EAST, 620.76 FT. TO A PIPE FOUND AT A CORNER OF THE 18.8 ACRE SURVEY MADE FOR JOHN R. RAWLINGS BY J. REVELL CARR IN JANUARY, 1937; THENCE NORTH 70° 51' 11" EAST, 8.41 FT. TO THE BEGINNING OF THE NORTH 37° 34' EAST 595.0 FT. LINE OF THE PRESENT CITY BOUNDARY; THENCE WITH THE NORTH BOUNDARY OF THE OUTLINES OF THE SUBDIVISION OF BAYTOWNE VILLAGE SECTION 5, RECORDED IN PLAT BOOK 64 AT PAGE 50, NORTH 37° 08' 36" EAST, 597.32 FT. TO A POINT;

THENCE LEAVING SAID SUBDIVISION, NORTH 56° 37' 40" WEST, 418.55 FT. TO A POINT ON THE 8TH LINE OF THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM RUTH BRYANT AND ALBERT BRYANT, HER HUSBAND TO ALFRED J. DANIELS AND EDITH D. DANIELS, HIS WIFE, AND BLANCHE MCFADDEN, WIDOW, BY DEED DATED AUGUST 8, 1960, RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN LIBER 1413 AT FOLIO 142; THENCE RUNNING ALONG PART OF THE 8TH LINE OF THE ABOVE MENTIONED CONVEYANCE AND REFERRING TO CITY OF ANNAPOLIS GRID SYSTEM, SOUTH 35° 36' 16" WEST 164.44 FT.; THENCE LEAVING SAID 8TH LINE OF SAID CONVEYANCE AND RUNNING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE FOR MARYLAND ROUTE 665 AS SHOWN ON SRC PLATS #52195 AND #50406, AND REFERRING TO CITY OF ANNAPOLIS GRID THE FOLLOWING COURSE AND DISTANCE; NORTH 01° 56' 52" WEST, 5.87 FT. TO A POINT ON THE 8TH OR SOUTH 02° 16' 55" EAST, 30.84 FT. LINE OF THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM EDITH C. DANIELS, WIDOW, AND

1 BLANCHE WHITLEY, (FORMERLY BLANCHE MCFADDEN) TO ARUNDEL LAND & DEVELOPMENT CO.,  
2 INC. BY DEED DATED MARCH 17, 1988 AND RECORDED AMONG THE LAND RECORDS OF ANNE  
3 ARUNDEL COUNTY, MARYLAND IN LIBER 4567 AT FOLIO 396; THENCE RUNNING ALONG THE 9TH,  
4 1ST, 2ND, 3RD, AND PART OF THE 4TH LINES OF THE ABOVE MENTIONED CONVEYANCE AND  
5 REFERRING TO CITY OF ANNAPOLIS GRID SYSTEM, SOUTH 36° 13' 55" WEST, 272.91 FT.; THENCE  
6 SOUTH 75° 47' 25" WEST, 163.69 FT.; THENCE NORTH 77° 15' 25" WEST, 156.01 FT.; THENCE SOUTH  
7 67° 44' 05" WEST 210.09 FT.; THENCE SOUTH 55° 27' 05" WEST, 141.23 FT. TO A POINT ON THE 5TH  
8 LINE OF THAT PARCEL OF LAND DESCRIBED IN THE CONVEYANCE FROM RUTH BRYANT AND  
9 ALBERT BRYANT, HER HUSBAND TO ALFRED J. DANIELS AND EDITH D. DANIELS, HIS WIFE, AND  
10 BLANCHE MCFADDEN, WIDOW, BY DEED DATED AUGUST 8, 1960, RECORDED AMONG THE LAND  
11 RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN LIBER 1413 AT FOLIO 142; THENCE SOUTH  
12 07° 18' 30" WEST, 16.52 FT.; THENCE SOUTH 68° 16' 20" WEST 147.50 FT.; THENCE NORTH 88° 56'  
13 40" WEST, 127.00 FT.; THENCE SOUTH 29° 31' 10" WEST, 168.64 FT.; THENCE SOUTH 17° 25' 50"  
14 EAST, 227.10 FT.; THENCE SOUTH 05° 30' 10" WEST, 115.48 FT.; THENCE SOUTH 89° 44' 10" EAST,  
15 8.18 FT. TO INTERSECT THE BOUNDARY LINE OF THE AFOREMENTIONED ORVILLE L. BOWEN,  
16 THENCE BINDING ON THE BOUNDARY OF SAID ORVILLE L. BOWEN THE FOLLOWING FIVE  
17 COURSES AND DISTANCES:

18 1. SOUTH 05° 32' 42" WEST, 228.56 FT.; THENCE  
19 2. SOUTH 70° 31' 20" WEST, 157.34 FT.; THENCE  
20 3. SOUTH 73° 35' 27" WEST, 215.40 FT.; THENCE  
21 4. SOUTH 48° 17' 43" WEST, 231.48 FT. TO THE SOUTH SIDE OF THE MARSH AT THE HEAD OF  
22 CHURCH CREEK; THENCE RUNNING ACROSS SAID MARSH AND BINDING ON THE BOUNDARY OF  
23 SAID ORVILLE L. BOWEN  
24 5. SOUTH 05° 21' 57" EAST, 281.72 FT. TO THE POINT OF BEGINNING. CONTAINING 19.2391  
25 ACRES OF LAND, MORE OR LESS, WITHIN THE BOUNDS OF THIS DESCRIPTION AS PREPARED IN  
26 THE OFFICE OF C.D. MEEKINS & ASSOCIATES, INC., CONSULTING ENGINEERS AND SURVEYORS,  
27 SEPTEMBER, 2004  
28 BEING A PART OF THAT CONVEYANCE FROM DAVID SHAPIRO AND BETTY K. SHAPIRO, HIS WIFE,  
29 ET AL, TO ORVILLE L. BOWEN AND DOROTHY K. BOWEN, HIS WIFE, BY DEED DATED THE 12TH DAY  
30 OF NOVEMBER, 1987 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY  
31 IN BOOK 4496, PAGE 825.

32  
33 CONTAINING 19.2391 acres of land more or less, within the bounds of this description,  
34 according to a survey and plat by C. D. Meekins & Associates, Inc., Consulting Engineers  
35 and Surveyors, dated September 16, 2004.  
36  
37

38 I hereby certify that the above metes and bounds description accurately reflects the  
39 boundaries of this property being contemplated for annexation.  
40  
41

42  
43 \_\_\_\_\_  
44 Margaret B. Martin, PE  
45 Director of Public Works  
46 City of Annapolis

1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the said  
2 property will be placed upon the tax rolls of the City of Annapolis immediately upon the  
3 effective date of this annexation, and the owner thereof shall be liable for real estate taxes  
4 as provided by Maryland law levied for the fiscal year during which this Resolution is  
5 effective, prorated from the effective date.

6  
7 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that subject to  
8 the following conditions, the Bowen Property annexation is hereby approved:

9  
10 1. ~~Existing storm water management facilities, street lights, roads and curbs are to~~  
11 ~~remain privately owned and maintained.~~

12  
13 2. ~~Refuse collection is the responsibility of the City, subject to a Hold Harmless~~  
14 ~~Agreement executed by the City and the property owners who are applicants to the~~  
15 ~~annexation petition.~~

16  
17 3. ~~The property owners shall be responsible for all costs associated with the extension~~  
18 ~~of water and sewer services to the site, including tap fees, connection charges, capital~~  
19 ~~facility capital assessment charges and inspection fees.~~

20  
21 4. ~~Prior to the issuance of any permits, and subject to the approval of the Department~~  
22 ~~of Public Works, the owners of the Properties shall submit to the City a water capital~~  
23 ~~facilities impact charge in the amount of \_\_\_\_\_ dollars per residential unit as~~  
24 ~~determined by the Department of Public Works. This impact charge is in addition to all fees~~  
25 ~~and charges customarily levied by the City of Annapolis.~~

26  
27 1. The developer/ property owner shall be responsible for all costs associated with the  
28 extension of utility mains, the water distribution system, the wastewater collection system,  
29 possibly an additional pump station, tap fees, connection charges, capital facility fees,  
30 capital assessment charges and construction inspection fees. All infrastructure shall be  
31 constructed in accordance with the City's Standard Specifications and Details.

32 2. The developer/ property owner shall be responsible for all costs associated with the  
33 construction of all internal roadways, curb and gutters, storm drain systems and stormwater  
34 management facilities. All, but the latter shall be owned and maintained by the City.  
35 Stormwater management facilities shall be owned and maintained by the developer/  
36 property owner. The developer/ property owner shall be responsible for all costs associated  
37 with any capacity increase to existing roadways should said increase be required by the  
38 City. All infrastructure shall be constructed in accordance with the City's Standard  
39 Specifications and Details.

40 3. The developer/ property owner shall be responsible for all costs associated with the  
41 construction of sidewalks throughout the development. Sidewalks shall be maintained by  
42 adjacent property owners. All sidewalks shall be constructed in accordance with the City's  
43 Standard Specifications and Details.

4. The developer/ property owner shall be responsible for all costs associated with the construction of traffic signals and signs associated with the property. Said signals and signs shall be designed and constructed in accordance with the Manual on Uniform Traffic Control Devices.
5. The developer/ property owner shall be responsible for all costs associated with the construction of street lighting for the property. All street lighting shall be approved for style, type and luminosity and shall be selected from models offered for lease by BGE. Street lighting maintenance is handled by lease agreement between the City and BGE.
6. All property right-of-ways shall be constructed in accordance with the City's Standard Specifications and Details, shall be made public and shall be deeded to the City prior to the release of the infrastructure maintenance bond.
7. All infrastructure improvements shall be bonded for the full cost of the improvements. After the infrastructure has been accepted by the Department of Public Works, the bond shall be reduced to a one year maintenance bond.
8. The City will not be responsible for infrastructure maintenance and/or repair during construction, specifically, snow and solid waste (refuse, yard waste recycling and recycling) removal until final and complete infrastructure inspection, acceptance of deeds and at release of maintenance bond.
- 9.
10. At the time of development, the City will require an assessment of its capacity to deliver adequate municipal services. Equipment and staffing levels, as applicable, in the following areas need to be considered: engineering review services, property data management and mapping services, infrastructure inspection services, water meter reading and sewer preventive maintenance, Miss Utilities underground utility location service, roadway maintenance, storm drain maintenance, traffic control and maintenance, administrative services and fleet maintenance support services and solid waste management services.
10. When developed, principal access to the site shall be from Yawl Road through the Oxford Landing subdivision. Yawl Road is an existing public right of way which terminates at the eastern boundary of the Bowen property. No direct access to the site shall be allowed from Aris T. Allen Boulevard.
11. The proposed relief road is expected to cut across the property to connect with Aris T. Allen Boulevard. The developer will transfer the land needed for the relief road right-of-way and make an equitable contribution to the cost of construction of the relief road as finally agreed upon between the County and the various developers that expect to construct projects within the Forest Drive corridor. When constructed, the relief road may be employed to provide a secondary point of access to this property.
12. The portion of the site currently designated as OS, Open Space, under Anne Arundel County zoning, shall be subject to a conservation easement which shall be recorded prior to the review of any development plans for the site and shall be administered by the Annapolis Conservancy Board.
13. The zoning designation of the property shall be amended to R1A, Single-family Residence District.

1 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 1998  
2 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Bowen  
3 Property and the zoning designation as designated by Ordinance O-34-04.  
4

5 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this  
6 Resolution shall become effective upon the forty fifth day following the date of its passage,  
7 provided no Petition for Referendum has been properly filed according to law.  
8

9 **ADOPTED** this 11<sup>th</sup> day of April, 2005.  
10

11  
12 **ATTEST:**  
13

**THE ANNAPOLIS CITY COUNCIL**

14  
15 \_\_\_\_\_  
16 Deborah Heinbuch, MMC  
17 City Clerk  
18

19 **BY:** \_\_\_\_\_  
20 **ELLEN O. MOYER, MAYOR**

**Effective Date:** May 25, 2005